

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 15,008

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Appeal of)

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INTRODUCTION

The petitioner appeals a decision by the Department of Social Welfare reducing her Food Stamp benefits based on a lowered shelter and utility allowance.

FINDINGS OF FACT

1. The petitioner is a disabled woman who lives alone and whose sole source of income is \$538.91 per month in the form of SSI payments. She recently moved from an apartment in which she made monthly payments of \$280 for rent and \$318 for gas and utilities bills, to an apartment in which she now pays \$430 monthly for rent with all her utilities included.
2. The petitioner was receiving \$117 per month in Food Stamps at the time of her move. When DSW became aware of the change in the petitioner's new housing situation, her eligibility for benefits was recalculated. The petitioner was allowed a standard deduction of \$134 from her unearned SSI income of \$538.91 as before. Half of that net figure of \$404.91 (or \$202.46) was compared with her total shelter expense of \$430 to see if her shelter expenses consumed more than half of her income. It was determined that the petitioner had an excess shelter expense of \$227.54 which was further deducted from the \$404.91 for a final Food Stamp net income of \$177.37 per month. That net income for a one person household with that amount of income was determined to be \$66 per month in Food Stamps. Before this change, the petitioner had a total shelter expense of \$598 per month (\$280 rent and \$318 fuel and utilities) which resulted in an excess shelter expense which was \$168 higher than her current housing situation for countable Food Stamp income of only \$9.37 which entitled her to a \$117 per month benefit.
3. The petitioner was notified on May 8, 1997, that her Food Stamps would be reduced on June 1, 1997, to \$66 per month based on her new lower utility allowance.
4. The petitioner appealed her decrease because she needs more than \$66.00 per month in Food Stamps to buy low fat foods which she says that she must eat as part of a special diet. She also claims that she has considerable medical expenses each month which are not covered by Medicaid. The petitioner was unable to provide any figures related to these two claims both of which were first raised at the hearing

and of which the Department had been previously unaware. She was advised by the Department that upon verification of her claims, her Food Stamp eligibility would be reassessed to see if she should have gotten a medical care deduction. The petitioner did not indicate a willingness to provide such verification. She had no proof of nor would she even hazard a guess as to the amount of her excess medically-related expenses at the hearing.

ORDER

The decision of the Department is affirmed.

REASONS

Under the regulations (Food Stamp Manual § 273.10[e]), the Department has allowed the petitioner all the deductions from her income for which she qualifies--- a "standard deduction" of \$134 and a "shelter and utility deduction" of \$227.54 from her gross income of \$538.91. This leaves the petitioner with a net "food stamp income" of \$177.37. The regulations (Procedures Manual § P-2590 C) provide that this entitles the petitioner to \$66 per month in Food Stamps.

If the petitioner can verify expenses which are medically related, she is encouraged to bring such verification in to the Department for a recalculation of her eligibility. No adjustment can be made of her Food Stamp grant based on her general allegations of extraordinary expenses without the provision of such documentation. Inasmuch as the Department's decision in this matter is in accord with the regulations, the Board is bound by law to affirm it. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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